

CITY OF NEWTON, MASSACHUSETTS

PURCHASING DEPARTMENT

CONTRACT FOR PUBLIC BUILDINGS

REQUEST FOR QUALIFICATIONS

ENERGY BROKER ADVISOR

RFQ#15-60

Submittal Date: February 12, 2015 at 10:00 a.m.

JANUARY 2015

Setti D. Warren, Mayor

CITY OF NEWTON
PURCHASING DEPARTMENT
REQUEST FOR QUALIFICATIONS #15-60

This City of Newton Request For Qualifications (RFP) invites sealed proposals for

ENERGY BROKER ADVISOR

Statements of Qualifications will be received until: **10:00 a.m., Thursday, February 12, 2015**
at the Purchasing Department, **Room 201**, Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.

The RFQ will be available online at the City's website: www.newtonma.gov/bids after: **10:00 a.m., January 29, 2015**.
Proposers are responsible for downloading the specifications from the City's web site at www.newtonma.gov/bids.
Proposers are requested to email the Purchasing Department (purchasing@newtonma.gov) their Company Name, Address, Email address, Phone & Facsimile number and what bid # (i.e. 15-60) they have downloaded.

The term of the contract shall extend three (3) years from the date of contract execution.

Proposers shall submit a technical, or non-price proposal which includes everything responsive to this RFQ except the proposed contract price, and a price proposal. There is no specific form for the technical proposal, although it should be responsive to all information requests made in the RFQ. The price proposals shall be submitted on the Price Proposal #15-60 form included in this RFQ.

All proposals shall be submitted as (i) for the technical proposal, one ORIGINAL and four (4) COPIES and (ii) for the price proposal, ONE COPY. In addition, a digital DVD copy of the technical proposal is requested, but not required. Proposers' attention is directed to the requirements of the City's Supplemental Equal Employment Opportunity, Anti-Discrimination and Affirmative Action Program and also to the Minority/Women Business Enterprise Plan, December 1999, all of which are hereby available on the Purchasing Department's web page. In the event of conflict between any of the above listed policies, the stricter policy shall apply.

All City of Newton bids are available on the City's web site, www.newtonma.gov/bids. It is the sole responsibility of the contractor downloading these bids to ensure they have received any and all addenda prior to the bid opening. Addenda will be available online within the original bid document as well as a separate file. If you download bids from the internet site and would like to make it known that your company has done so, you may fax the Purchasing Dept. (617) 796-1227 or email purchasing@newtonma.gov with your NAME, ADDRESS, PHONE, FAX AND INVITATION FOR BID NUMBER.

CITY OF NEWTON



Nicholas Read
Chief Procurement Officer
January 29, 2015

REQUEST FOR QUALIFICATIONS

I. INTRODUCTION

The City of Newton (CITY) is issuing this Request For Qualifications (RFQ) to procure the services of a broker to assist the CITY in the purchase of electricity. It is the intent of the CITY to use a competitive sealed procurement process to the extent appropriate. The services sought are “energy related services” as that term has been defined in *Northeast Energy Partners, LLC V. Mahar Regional School District*, 462 Mass. 687 (2012), and are therefore exempt from Chapter 30B, M.G.L. c.30B, §1(b)(33). So while the CITY is using a competitive process, it is not its intent to follow Chapter 30B, and the requirements and procedures of this procurement shall be as set forth in this RFQ and not in reference to any statute or regulation. The CITY reserves the right to amend or cancel the terms of this RFQ if it determines it is in the best interests of the CITY to do so.

Pursuant to the foregoing the CITY requests competitive sealed Statements of Qualifications (SOQs) from qualified Energy Brokers and Advisors (Brokers) to act as agent for the CITY by providing services for the purchase of electricity for the CITY’s use. The CITY seeks a Broker that has a strong track record of conducting procurements in the energy market with particular experience representing multiple account and municipal clients of similar size or larger.

The agreement resulting from this RFQ (“Broker Agreement”) will have a term of three (3) years with an additional option of up to three (3) years, exercisable at the sole discretion of the CITY. The Broker Agreement will be subject to the City’s right to terminate without cause for convenience. In the event of termination the CITY shall have no obligation to the Broker, except that the Broker may be compensated by a winning energy supplier (Energy Supplier) at a predetermined rate based on the amount of actual energy usage. Any energy related services that are outside the Scope of Work shall be performed only pursuant to a separate written agreement between the CITY and the Broker.

It is understood and agreed that it shall be a material breach of any contract resulting from this request for the Broker to engage in any practice that violates any provisions of Massachusetts General Laws, Chapter 151B, relative to discrimination in the hiring, discharge, compensation, or terms, conditions or privileges of employment because of race, color, religious creed, national origin, sex, age, or ancestry.

II. INSTRUCTIONS TO PROPOSERS

A. GOVERNING LAW and DEADLINE FOR SUBMISSION: All SOQs must be submitted, in accordance with the terms of this RFQ, to the *Chief Procurement Officer* in the Purchasing Department, Newton City Hall, 1000 Commonwealth Avenue, Room 201, Newton, MA 02459, no later than **10:00 a.m., February 12, 2015**.

Only Brokers that are registered with the Massachusetts Department of Utilities and with a Department of Public Utilities rating of “CI” or “RCI” are eligible to submit an SOQ hereunder. A copy of your most recent license must accompany your response to this RFQ.

One (1) original and four (4) copies of the TECHNICAL and **one (1) original PRICE PROPOSAL** in the form provided in Attachment A must be submitted in **SEPARATE SEALED ENVELOPES**. Envelopes shall be marked, respectively,

“TECHNICAL PROPOSAL - RFP #15-60 “Energy Broker Advisor”

and

“PRICE PROPOSAL - RFP #15-60 “Energy Broker Advisor”

along with your firm’s name on both envelopes. If a Price Proposal is included in the Technical Proposal, the proposal may be rejected.

Proposals must have information submitted in the same order of the criteria as listed in this RFP and pages shall be numbered in the bottom footer.

Faxed proposals will not be accepted.

B. QUESTIONS: Inquiries involving procedural or technical matters must be received in writing, no later than **Friday, February 6, 2015** at noon to:

purchasing@newtonma.gov or facsimile (617) 796-1227

All additional information shall be put into the form of an addendum. Each addendum will be posted on the City's website at www.newtonma.gov/bids under the document #15-60 and will be faxed to those listed on the Bidder's list as having received (picked-up or downloaded) this RFQ.

If you have downloaded the RFQ, please be sure to email us (purchasing@newtonma.gov) your Name, Address, Phone and Fax numbers and what RFQ number you have downloaded.

ADDENDUM: Proposer shall acknowledge any/all addendum(s) on the first line of their Transmittal Sheet of its Technical Proposal, as well as on the designated line provided in the Price Proposal. A Transmittal Letter/Sheet is a business letter and should be formatted accordingly; that is, you should include the recipient's address, your address, a salutation and closing.

C. EXAMINATION OF DOCUMENTS: Each proposer shall be satisfied, by personal examination of the location of the contemplated services and by any other means, as to the requirements of the contemplated services to enable the intelligent preparation of this proposal. The proposer shall be familiar with all RFQ documents before submitting the proposals in order that no misunderstanding shall exist in regard to the nature and character of the contemplated services to be performed. No allowance will be made for any claim that the proposal is based on incomplete information as to the nature and character of the area or contemplated service.

D. TIMELINE:

RFP Released	: Thursday, January 29, 2015 at 10:00 a.m.
Questions submitted	: Friday, February 6, 2015 at noon
Addenda w/Answers	: Monday, February 9, 2015 at noon
Proposal Submittal	: Thursday, February 12, 2015 at 10:00 a.m.

E. STATEMENT OF QUALIFICATIONS FORMAT: All SOQs shall follow the order of this RFQ. All proposals shall have a table of contents denoting, for each item, which page it can be located on. All proposals shall have footers with page numbers.

III. REVIEW AND SELECTION

The Chief Procurement Officer, or response review committee, may reject SOQs that are incomplete, not properly endorsed or signed, or otherwise contrary to these instructions. The CITY may rescind or modify this RFQ if, in its judgment, no proposals responsive to this request were submitted or as otherwise determined to be in the best interests of the City.

There will be no public opening of submitted SOQs. Following the deadline for receipt, the *Chief Procurement Officer* will open the Technical Proposals and prepare a register of those firms submitting proposals, which register shall be available for public inspection. All proposal contents shall be confidential until the evaluation is final and award has been made.

The Technical Proposals shall be evaluated by a committee appointed by the Chief Procurement Officer. The committee members shall prepare their evaluations based on the criteria contained herein and rank proposers based on their qualifications.

Any proposer submitting an SOQ must satisfy all requirements of the RFQ. **SOQs that do not demonstrate compliance will not be further considered.**

The City of Newton reserves the right to waive any informalities in any or all SOQs, or to reject any or all SOQs, if it be in the public interest to do so.

Upon completion of the technical evaluation, the Chief Procurement Officer will open and evaluate the Price Proposals. A contract will be awarded to the responsive and responsible proposer whose proposal is determined to be most advantageous taking into consideration cost and qualitative ranking. The CITY reserves the right to award a contract as determined to be in the best interests of the CITY, provided however, that if the contract is awarded to a proposer other than the one submitting lowest Price Proposal, the CITY shall prepare a written justification therefor.

All SOQs and Price Proposals shall remain firm for one hundred twenty (120) calendar days after the SOQ opening

The CITY reserves the right to select the most advantageous proposer, as deemed to be in its best interests. Broker cost may not be the deciding factor in the selection process.

If the selected proposer fails to enter into a contract within ten (10) calendar days following the funding award announcement, then the CITY reserves the right to award the contract to the next most advantageous response, or may, at its discretion, rescind the offer(s) and reissue the RFQ.

The CITY reserves the right to negotiate final contract award amounts for Broker services with the successful proposer.

IV. CUSTOMER INFORMATION

In FY 2014 the CITY used approximately 22.7 million kWh (approximately 113 buildings/facilities accounts plus 116 outdoor lighting accounts) of electricity.

The CITY is continuing its ongoing energy efficiency initiatives and expects to reduce electricity use relative to FY 2014 levels, taking into account, however, buildings projects that may affect demand and consumption.

The CITY used energy brokers to procure competitive electricity and gas supply. The electricity contract expires June 30, 2015. The current energy broker agreement related to electric supply expires on March 4, 2015 (subject to final compensation and related terms).

The CITY has been engaged in several public building projects that may affect electric demand and consumption. In addition, the CITY may procure a small percentage of electric power supply through a power purchase agreement ("PPA") with a third party. At present, the CITY is a party to a solar PPA and has a virtual net metering arrangement regarding solar output. It is anticipated that any additional solar PPA also would feature a virtual net metering arrangement.

V. SCOPE OF SERVICES

The CITY is seeking the services of an experienced and qualified firm to assist it in the design, implementation and management of an electricity purchasing strategy that will yield a cost competitive and reliable source of electricity to meet the needs of the CITY over the three year period beginning July 1, 2015. The firm must also be able to assist the CITY in developing and evaluating the options for purchasing green power as part of its overall objective to reduce the CITY's carbon footprint. The broker will be responsible for executing the electricity strategy which it develops with the CITY, managing the strategy, the electricity billing and electricity data over the course of the three year period.

VI. EVALUATION PROCESS AND CRITERIA

Selection of a Broker to provide electricity supply purchasing services will be based on the response to this RFQ and any follow up interviews and information that the CITY determines appropriate. The CITY reserves the right to consider all relevant factors it deems appropriate and in its best interests. The CITY may seek to meet with Brokers prior to making an award decision and to request additional information. Interviews of Brokers may be requested after review of responses.

This RFQ does not commit the CITY to select any firm, award any contract or pay for any costs associated with preparing a response to this RFQ. The CITY reserves the right to accept or reject any or all submissions received and/or cancel or modify the RFQ in part or whole, if determined in the best interest of the CITY.

VII. TECHNICAL PROPOSAL

The CITY is requesting brief and succinct responses. Lists rather than narratives will suffice where appropriate. The CITY will use interviews to allow proposers to expand on any information that is unclear to us if necessary.

Items 1-4 are considered the technical proposal, which shall be the basis of proposers' rankings. Five sealed copies of this are required. Item 5 is the pricing proposal. One sealed copy of this is required.

1. Experience and Qualification (no more than 10 pages)

- a. Experience of the firm.
- b. Bios of key staff assigned.
- c. Current and former clients served.
- d. List of last four electricity procurements.
- e. Attach a copy of latest financial report.
- f. Proof of DPU registrations
- g. Certification of no financial interest in any supplier (or affiliate thereof) or in any City contract award other than the compensation disclosed in your response.
- h. Certification that you do not have any contracts or similar business relationships with any supplier (or affiliate thereof) other than for the compensation disclosed in your response.

2. Approach to Procurement (no more than three pages)

- a. Describe methods of obtaining pricing and how many bidders/suppliers will be invited and expected to participate Provide names of some of the suppliers.
- b. Provide a brief timeline to solicit bids and award contracts for electric power supply in view of the expiration dates of our current contracts.
- c. Describe your role in preparing the specifications and assembling data for soliciting bids/prices.
- d. Describe possible bid options (which accounts to include, how to group accounts to develop bid options, single or multi- year contract terms, green energy).

3. Post-bid assistance (no more than two pages)

- a. Assistance you will provide in evaluating bids and selecting a supplier.
- b. Assistance you will provide in preparing the final contract documents for electric supply and for gas supply (except for prices) that must be finalized prior to the City's obtaining pricing from bidders.

4. Follow up and Support Services (no more than two pages)

- a. Describe your role, services and support after the contract has been awarded.
- b. Describe reports that you will be providing as a minimum.
- c. Describe optional support services that you can provide and whether the cost is covered by your compensation arrangements with suppliers.
- d. Describe your role in solving billing disputes.

ATTACHMENTS:

- A Price Proposal
- B Contract Forms

APPENDIX

Note: All of the Items below are to be submitted as part of the Proposal response.

1. Proposers Qualifications and References Form
2. Non-Collusion Affidavit
3. Debarment/Suspension Certification
4. W-9
5. Certificate of Authority- Corporate
6. Certificate of Tax Compliance

CITY OF NEWTON

BIDDER'S QUALIFICATIONS AND REFERENCES FORM

All questions must be answered, and the data given must be clear and comprehensive. Please type or print legibly. If necessary, add additional sheet for starred items. This information will be utilized by the City for purposes of determining bidder responsiveness and responsibility with regard to the requirements and specifications of the Contract.

1. FIRM NAME: _____
2. WHEN ORGANIZED: _____
3. INCORPORATED? _____ YES _____ NO DATE AND STATE OF INCORPORATION: _____
4. IS YOUR BUSINESS A **MBE**? _____ YES _____ NO **WBE**? _____ YES _____ NO or **MWBE**? _____ YES _____ NO
- * 5. LIST ALL CONTRACTS CURRENTLY ON HAND, SHOWING CONTRACT AMOUNT AND ANTICIPATED DATE OF COMPLETION:

- * 6. HAVE YOU EVER FAILED TO COMPLETE A CONTRACT AWARDED TO YOU?
_____ YES _____ NO
IF YES, WHERE AND WHY?

- * 7. HAVE YOU EVER DEFAULTED ON A CONTRACT? _____ YES _____ NO
IF YES, PROVIDE DETAILS.

- * 8. LIST YOUR VEHICLES/EQUIPMENT AVAILABLE FOR THIS CONTRACT:

- * 9. IN THE SPACES FOLLOWING, PROVIDE INFORMATION REGARDING CONTRACTS COMPLETED BY YOUR FIRM SIMILAR IN NATURE TO THE PROJECT BEING BID. A MINIMUM OF FOUR (4) CONTRACTS SHALL BE LISTED. PUBLICLY BID CONTRACTS ARE PREFERRED, BUT NOT MANDATORY.

PROJECT NAME: _____
OWNER: _____
CITY/STATE: _____

DOLLAR AMOUNT: \$ _____ DATE COMPLETED: _____
PUBLICLY BID? _____ YES _____ NO
TYPE OF WORK?: _____
CONTACT PERSON: _____ TELEPHONE #: (____) _____
CONTACT PERSON'S RELATION TO PROJECT?: _____
(i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: _____
OWNER: _____
CITY/STATE: _____
DOLLAR AMOUNT: \$ _____ DATE COMPLETED: _____
PUBLICLY BID? _____ YES _____ NO
TYPE OF WORK?: _____
CONTACT PERSON: _____ TELEPHONE #: (____) _____
CONTACT PERSON'S RELATION TO PROJECT?: _____
(i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: _____
OWNER: _____
CITY/STATE: _____
DOLLAR AMOUNT: \$ _____ DATE COMPLETED: _____
PUBLICLY BID? _____ YES _____ NO
TYPE OF WORK?: _____
CONTACT PERSON: _____ TELEPHONE #: (____) _____
CONTACT PERSON'S RELATION TO PROJECT?: _____
(i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: _____
OWNER: _____
CITY/STATE: _____
DOLLAR AMOUNT: \$ _____ DATE COMPLETED: _____
PUBLICLY BID? _____ YES _____ NO
TYPE OF WORK?: _____
CONTACT PERSON: _____ TELEPHONE #: (____) _____
CONTACT PERSON'S RELATION TO PROJECT?: _____
(i.e., contract manager, purchasing agent, etc.)

10. The undersigned certifies that the information contained herein is complete and accurate and hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the City in verification of the recitals comprising this statement of Bidder's qualifications and experience.

DATE: _____ BIDDER: _____

SIGNATURE: _____

PRINTED NAME: _____ TITLE: _____

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee club, or other organization, entity, or group or individuals.

(Signature of individual)

City of Newton



Mayor
Setti D. Warren

Purchasing Department
Nicholas Read @ *Chief Procurement Officer*
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449
purchasing@newtonma.gov

Telephone
(617) 796-1220
Fax:
(617) 796-1227
TDD/TTY
(617) 796-1089

Date

Vendor

Re: Debarment Letter for Invitation For Bid # _____

As a potential vendor on the above contract, the City requires that you provide a debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

I hereby certify under pains and penalties of perjury that neither I nor any principal(s) of the Company identified below is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(Name)

(Company)

(Address)

(Address)

PHONE _____ FAX _____
EMAIL _____

Signature

Date

If you have questions, please contact Nicholas Read, Chief Procurement Officer at (617) 796-1220.

**Request for Taxpayer
Identification Number and Certification**

Give form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ ----- <input type="checkbox"/> Other (see instructions) ▶	<input checked="" type="checkbox"/> Exempt payee
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
	List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
or
Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶	Name
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

CERTIFICATE OF AUTHORITY - CORPORATE

1. I hereby certify that I am the Clerk/Secretary of _____
(insert full name of Corporation)
2. corporation, and that _____
(insert the name of officer who signed the **contract and bonds.**)
3. is the duly elected _____
(insert the title of the officer in line 2)
4. of said corporation, and that on _____
(insert a date that is ***ON OR BEFORE*** the date the officer signed the **contract and bonds.**)

at a duly authorized meeting of the Board of Directors of said corporation, at which all the directors were present or waived notice, it was voted that

5. _____ the _____
(insert **name** from line 2) (insert **title** from line 3)

of this corporation be and hereby is authorized to execute contracts and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.

6. ATTEST: _____
(Signature of **Clerk or Secretary**)*

AFFIX CORPORATE
SEAL HERE

7. Name: _____
(Please print or type name in line 6)*

8. Date: _____
(insert a date that is ***ON OR AFTER*** the date the officer signed the **contract and bonds.**)

* The name and signature inserted in lines 6 & 7 must be that of the Clerk or Secretary of the corporation.

CERTIFICATION OF TAX COMPLIANCE

Pursuant to M.G.L. c.62C, §49A and requirements of the City, the undersigned acting on behalf of the Contractor certifies under the penalties of perjury that the Contractor is in compliance with all laws of the Commonwealth relating to taxes including payment of all local taxes, fees, assessments, betterments and any other local or municipal charges (unless the Contractor has a pending abatement application or has entered into a payment agreement with the entity to which such charges were owed), reporting of employees and contractors, and withholding and remitting child support.*

**Signature of Individual
or Corporate Contractor (Mandatory)

*** Contractor's Social Security Number
(Voluntary) or Federal Identification Number

Print Name:_____

By: _____
Corporate Officer
(Mandatory, if applicable)

Date: _____

Print Name:_____

* The provision in this Certification relating to child support applies only when the Contractor is an individual.

** Approval of a contract or other agreement will not be granted until the City receives a signed copy of this Certification.

*** Your social security number may be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended.

ATTACHMENT A

**PURCHASING DEPARTMENT
REQUEST FOR QUALIFICATIONS #15-60**

PRICE PROPOSAL

This form must be completed and placed in a **separately sealed** envelope marked:

PRICE PROPOSAL - RFP #15-60 Energy Broker Advisor

A. PROPOSAL

The undersigned proposes to provide Energy Broker services in accordance with the terms and conditions of the above RFQ.

B. ADDENDA:

Bidder hereby acknowledges addenda numbered: _____, _____, _____, _____, _____,

C. CONTRACT PRICE

FEE STRUCTURE

The contract for energy broker services is a 100% performance-based fee structure. Fees are to be based on the scope of services provided in this RFQ along with any account data usage that is provided either by the CITY or directly from the broker and verified by the CITY. The energy broker will be reimbursed by the electricity supply at a pre-established rate, or other applicable fee rate over the life of the contract for all accounts awarded as a result of services provided. Fees paid by the supplier will be based on the amount of actual energy usage. The CITY will include payment and reporting terms between energy supplier and energy broker in the supply solicitation to be issued at a later date.

D. BID

Energy Broker: _____

Reimbursement rate: \$_____per KWH.

If the rate is a range, please provide the range limits: _____

If the rate is a range, please describe how the actual rate is determined:

Additional Services Offered by the Energy Broker not included as part of this RFQ. Please include any additional fees charged for said service. Indicate the unit (hours, KWH, etc.) to which the fee amount applies. If the service is provided without additional charge, please indicate, by responding N/A in the fee column.

ADDITIONAL SERVICE

FEE:

_____	_____
_____	_____
_____	_____
_____	_____

E. BID REJECTION

In submitting this Price Proposal, it is understood that the right is reserved by the CITY to reject any and all bids.

F. PERSONS INTERESTED

The full names and residences of all persons and parties known to the undersigned to be financially interested in this proposal are as follows:

NAMES

ADDRESSES

NOTE: The penalty for making false statements in offers is prescribed in 18 USC 1001.

Date _____

(Name of Proposer)

BY: _____

(Printed Name and Title of Signatory)

(Business Address)

(City, State Zip)

(Telephone)

/_____
(FAX)

(E-mail Address)

ATTACHMENT B

CONTRACT FORMS

The awarded bidder will be required to complete and submit documents substantially similar in form to the following.

These forms may need to be modified on account of changed circumstances, and are provided for informational purposes only.

City - Contractor Agreement

C -

ENERGY BROKER ADVISOR

This Agreement is entered into by and between the Energy Broker,

(hereinafter the "Broker") and the City of Newton, a municipal corporation acting by and through its Chief Procurement Officer but without personal liability to her (hereinafter the "City"); collectively, the "parties".

WHEREAS, the City wishes to purchase energy, specifically electricity and natural gas, as efficiently and economically as possible; and,

WHEREAS, The City desires the services of a professional energy broker to obtain and manage energy contracts on its behalf; and,

WHEREAS, the Energy Broker has the capability and knowledge to provide the services the City seeks;

NOW THEREFORE, the parties agree as follows:

1. Incorporation of Attached Documents

The following documents, copies of which are attached hereto, are hereby incorporated as part of this Agreement:

--Exhibit 1 - City of Newton's Request for Qualifications No. #15-60, dated January 29, 2015 issued by Nicholas Read, *Chief Procurement Officer* (hereinafter "RFQ"); and

--Exhibit 2 – Statement of Qualifications (SOQ) and Price Proposal of _____, each dated _____, 2015 and signed by _____, (hereinafter, "Energy Broker"); and

Order of Priority: The provisions of this Agreement control in the event of contrary language in any of the Attachments listed above. In the event of a conflict between the provisions of the RFQ and the provisions of the Energy Broker's SOQ, the provisions of the RFQ shall control.

2. Special Terms & Conditions

Notwithstanding the provisions of the incorporated Exhibits to the contrary, the parties agree to be bound by the following special terms and conditions:

[To be completed]

3. Subcontract

(a) Energy Broker Responsibility and Subcontracting. Unless clearly stated in the Energy Broker's SOQ and incorporated into this Agreement, none of the services to be provided by the Energy Broker pursuant to this agreement shall be subcontracted or delegated to any other organization, association, individual, corporation, partnership or other such entity without prior written consent of the City. No subcontract or delegation shall relieve or discharge the Energy Broker from any obligation or liability under this Agreement. The Energy Broker shall be as fully responsible to the City for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly or indirectly employed by the Energy Broker.

By signing this Agreement, the Energy Broker certifies that it has made all necessary arrangements with _____ to create a binding enforceable agreement to require the services of _____ to serve as Energy Broker for this Agreement.

4. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

5. Arbitration

In the event that at any time during the term of this Agreement disputes arise between the Energy Broker and the City, either party may request resolution of such dispute through any alternative dispute resolution procedure that the parties can agree upon, including arbitration. However, the City does not waive any legal remedies it may have or waive any defense to service of process.

6. Termination

Notwithstanding the provisions of any other agreement to the contrary, either party may terminate this Agreement by written notice which shall be sent no less than thirty (30) days prior to the effective date of such termination.

ENERGY BROKER

By _____

Print Name _____

Title _____

Date _____

Affix Corporate Seal Here

City funds in the amount of \$ _____
are available in account number: _____

I further certify that the Mayor, or his
designee, is authorized to execute contracts
and approve change orders

By _____
Comptroller of Accounts

Date _____

CITY OF NEWTON

By _____
Chief Procurement Officer

Date _____

By _____
Commissioner of Public Buildings

Date _____

Approved as to Legal Form and
Character

By _____
Associate City Solicitor

Date _____

CONTRACT AND BONDS APPROVED

By _____
Mayor or his designee

Date _____